

A CERTIFIED TRUE COPY

DEC - 4 2006

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONFILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2006 DEC -5 AM 11:06

DOCKERY NOGINSKY
CLERKJUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

NOV 16 2006

FILED
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JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-73)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 4,678 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order comprise claims relating to: 1) the prescription drugs Bextra and/or Celebrex; and 2) the prescription drug Vioxx. These actions are already included in MDL-1699 previously centralized in the Northern District of California before the Honorable Charles R. Breyer. The Vioxx claims, however, appear to share questions of fact with actions in MDL-1657 previously centralized in the Eastern District of Louisiana.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

The claims in these actions relating to Bextra and/or Celebrex are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Northern District of California for continued inclusion in the centralized pretrial proceedings in MDL-1699.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof, and if any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

DEC - 4 2006

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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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A TRUE COPY FOR THE PANEL:

DEC 13 2006

Deputy Clerk, U.S. District Court
Eastern District of Louisiana
New Orleans, LA

Jeffery M. Lüthi

Clerk of the Panel

Fee _____
Process _____
Dkt'd DOCK
CtRmDep 9199
Doc. No. _____

SCHEDULE CTO-73 - TAG-ALONG ACTIONS
DOCKET NO. 1657
IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION

DIST. DIV. C.A. #

CASE CAPTION

CALIFORNIA NORTHERN

CAN 3 06-6187
CAN 3 06-6189
CAN 3 06-6191
CAN 3 06-6281
CAN 3 06-6359

Mattie Tripp, et al. v. Pfizer Inc., et al.
Elmer Severson v. Pfizer Inc., et al.
Jerry W. Byrd, Jr., et al. v. Pfizer Inc., et al.
Shirley Henson, et al. v. Pfizer Inc., et al.
Charlotte Welch v. Merck & Co., Inc., et al.

EDLA 06-10776
EDLA 06-10777
EDLA 06-10778
EDLA 06-10779
EDLA 06-10780